

# Sumter City-County Board of Zoning Appeals

May 9, 2012

## **BOA-12-18, Sliding Rock Lane, Cascades Subdivision (City)**

The applicant is requesting a variance from the front yard setback requirement of 35 feet for Cascades Subdivision (Lots 1 through 9) to allow for a 20 foot setback, per Article 3, Section 3.i.5 Residential Development Standards for General Commercial.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

May 9, 2012

## BOA-12-18, Sliding Rock Lane - Cascades Subdivision (City)

### I. THE REQUEST

**Applicant:** Classic Home Builders, LLC

**Status of the Applicant:** Developer

**Request:** A front setback variance from the required setback of 35 feet for construction of new homes.

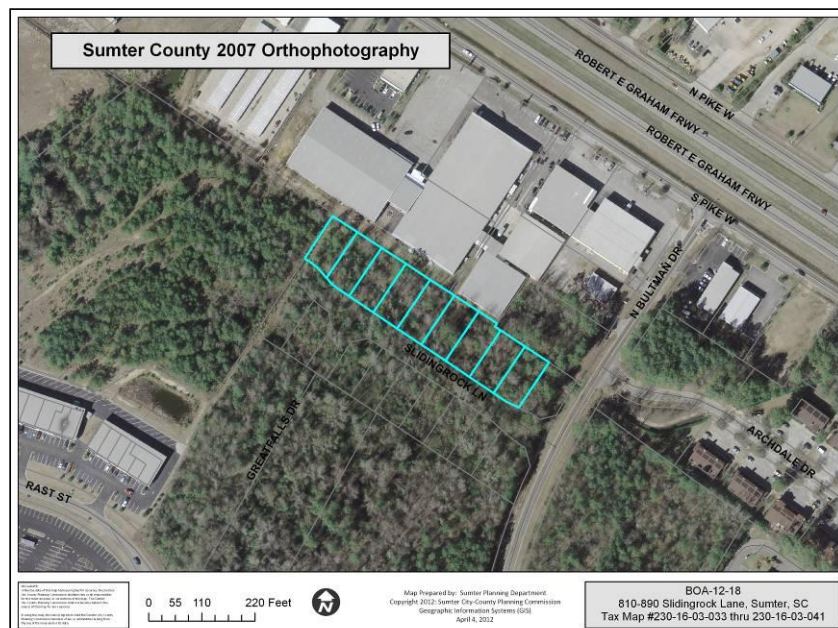
**Location:** Sliding Rock Lane

**Present Use/Zoning:** Residential / GC

**Tax Map Reference:** 230-16-03-033 through 230-16-03-041

### II. BACKGROUND

Cascades Subdivision is a small residential development that is under construction at this time. Construction is complete for most of the houses on the south side of Sliding Rock Lane. The lots on the north side of the street, however, back up to a commercial area with an existing vegetative buffer. If the houses on this side were to be constructed with the required 35' front yard setback, they would have virtually no room left over for a back yard, and some of the vegetative buffer might require removal in order to construct the homes. See graphic and photos below.







### **III. THE REQUEST**

The applicant is requesting a 15 foot front setback variance in order to provide the new homes being constructed with a back yard of reasonable size, and to preserve the existing tree buffer that separates the residential development from adjacent commercial uses.





**Above:** graphic showing the approximate location of the houses on the north side of Sliding Rock Lane, if the variance is granted. The adjacent commercial area would be buffered from the back yards of the homes by the existing wooded section outlined in green.

#### **IV. FOUR-PART TEST**

- 1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.***
  - *There are extraordinary conditions pertaining to this property. The adjacent commercial area to the north of the development and the protection of the existing wooded buffer both necessitate the setback variance to provide for a larger back yard for residents while screening the commercial use from view.*
- 2. *These conditions do not generally apply to other property in the vicinity.***
  - *The houses on the south side of the street do not have an adjacent commercial use and therefore do not require a variance from the front setback.*



**3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

- *Application of the ordinance would prohibit and restrict the residential use of these properties by creating unsightly views of adjacent commercial areas, and by limiting the back yard size of the homes.*

**4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

- *Setbacks are established in order to create a uniform placement of homes in a community, and to afford privacy between residential dwellings. This variance maintains the intent of the setback requirements, by providing privacy to the back yards of the residents. The character of the district will not be harmed by the change in front yard setbacks; There are plenty of street trees planted in the subdivision to provide privacy and enclosure in the front yards, and the houses will be located in line across the north side of the subdivision, for uniformity.*

## **V. STAFF RECOMMENDATION**

Staff recommends approval of BOA-12-18.

## **VI. DRAFT MOTIONS for BOA-12-18**

- A.** I move that the Sumter Board of Appeals approve BOA-12-18 subject to the findings of fact and conclusions contained in the draft order dated May 9, 2012, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-12-18 on the following findings of fact and conclusions:

## **VII. ZONING BOARD OF APPEALS – MAY 9, 2012**

The Sumter City-County Board of Appeals at its meeting on Wednesday, May 9, 2012, voted to approve this request subject to the findings of facts and conclusions listed on exhibit 1.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-12-18, Sliding Rock Lane, Cascades Subdivision (City)**  
**May 9, 2012**

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Date Filed: May 9, 2012

Permit Case No. BOA-12-18

The Board of Zoning Appeals held a public hearing on Wednesday, May 9, 2012 to consider the request of Classic Home Builders, 830 S. Pike West Suite 5, Sumter, SC 29150 for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There is an adjacent commercial use and existing vegetative buffer that require protection.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

Adjacent parcels on the south side of Sliding Rock Lane do not have a commercial use behind them that would necessitate a variance.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

The houses to be constructed would have unsightly views to the adjacent commercial use and they would have virtually no back yard.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

Granting the variance will maintain privacy and aesthetic value for the proposed residences on the north side of Sliding Rock Lane.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –☒ **GRANTED**,  
**subject to the following conditions:**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was  
mailed.**